

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Civil File No. 10-0429 JNE/JSM

James E. Moore and Tim McGough, as Trustees of the Carpenters & Joiners Welfare Fund, Twin City Carpenters Pension Master Trust Fund, and Twin City Carpenters Vacation Fund; James E. Moore as Trustee of the Carpenters and Joiners Apprenticeship and Journeymen Training Trust Fund, and each of their successors,

Plaintiffs,

vs.

ORDER

Stoic Drywall LLC and Chad R. Nelson, individually,

Defendants.

The above matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Janie S. Mayeron dated December 15, 2010. No objections have been filed to that Report and Recommendation in the time period permitted.

Based upon the Report and Recommendation of the Magistrate Judge, upon all of the files, records and proceedings herein, now makes and enters the following Order.

IT IS HEREBY ORDERED that:

1. Plaintiffs' Motion for Entry of Default [Docket No. 24] is **GRANTED**.
2. Defendants shall produce for inspection and audit a complete set of the following records for the period of November 2009 through the present:

- a. All hours by job report - for job audit purposes;
- b. All time cards;
- c. All Internal Revenue Quarterly 941s;
- d. All Internal Revenue Quarterly SUTAs;
- e. All Internal Revenue W-2 and W-3 forms (to the extent such forms are issued by the employer prior to the audit being completed);
- f. All 1099s and 1096 forms; and
- g. Any such additional records as are deemed necessary to the performance of such audit by representatives of Plaintiffs

3. Production and inspection of the records set forth in paragraph 2 above shall occur within ten (10) days of entry of this Order and shall take place at the physical premises of the administrative agent, Wilson-McShane Corporation, 3001 Metro Drive, Suite 500, Bloomington, MN 55425.

4. Following the production and inspection of the records listed in paragraph 2 above, and upon the completion of the audit of these records by Plaintiffs for the period of November 2009 through the present, Plaintiffs shall serve on Defendants a demand for payment for all unpaid contributions, liquidated damages, interest, and reasonable attorney fees and costs for the period of November 2009 through the present and Defendants shall deliver payment of this amount to Plaintiffs within ten (10) days of the demand.

5. If Defendants fail to make payment required by paragraph 4, Plaintiffs may move the Court for entry of a money judgment for all unpaid contributions, liquidated damages, interest, and reasonable attorney fees and costs, as shown by Affidavit filed with the Court, and the Court shall enter judgment ten (10) days after service of the motion and affidavit on Defendants.

6. If Defendants fail to comply with paragraph 2 above, Plaintiffs may move this Court for further relief and sanctions including an Order to Show Cause as to why Defendants should not be found in civil contempt for violation of this Court's Order pursuant to 18 U.S.C. § 401.

Dated: January 24, 2011

s/ Joan N. Ericksen
JOAN N. ERICKSEN
United States District Judge